

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, March 3, 2015

The City Plan Commission held its regular meeting on Tuesday, March 3, 2015 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Rev. Stan Archie	Member
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Ms. Bobbi Baker-Hughes	Member (left at 12:13)
Ms. Trish Martin	Member
Mr. Coby Crowl	Member

ABSENT

None

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Mr. Joseph Rexwinkle	Staff
Ms. Patty Noll	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Brett Cox	Land Development

Chairwoman Macy called the meeting to order at 9:07 A.M.

Re: Case No. SD1499, Final Plat of 9450 Ward Parkway –

Request: To approve a final plat creating two commercial lots in District UR (Urban Redevelopment)

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Clint Blew, 9400 Ward Parkway, Kansas City Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 1499 SUBJECT TO THE FOLLOWING CONDITIONS:**

***Conditions 1. per City Planning & Development, Development Services Division
Pam.Powell@kcmo.org and Brett.Cox@kcmo.org:***

- 1) That the developer revise the final plat so as to:
 - a) Label and identify the centerlines of Wornall Road and Ward Parkway or state if the right of way varies.
 - b) Add the directional street name (west) to Bannister Road.
 - c) For all streets (interior and exterior) previously dedicated as existing right-of-way, reference the ordinance number that established the right-of-way and the date that the ordinance was passed by Council.
 - d) Use the city's standard 'floodplain' language.
 - e) Delete street dedication language if right of way is not being dedicated.)
 - f) Provide Street Grades for all Right-of-Way adjacent to the Plat.
 - g) Show Surface Drainage Easement over Channel on west side of site.
 - h) Show Storm Drainage Easements over Public Storm Lines on the site.
 - i) Further revisions and/or corrections as required.

***Conditions 2 through 5 per City Planning & Development, Development Services Division
Brett.Cox@kcmo.org:***

- 2) The developer pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division (at time of certificate of occupancy).
- 3) That the developer grant, on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any

building permits or BMP permits, whichever occurs first.

4) That the developer must grant a Surface Drainage Easement to the City, as required by the Land Development Division, prior to recording the plat or issuance of any building permits.

5) The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identify sidewalks, curbs, and gutters in disrepair as defined by Public Works Department in "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB Revised 4/8/09" and based on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as shown on the revised plan, as required by the Land Development Division and prior to issuance of any building certificate of occupancy permits including temporary certificate occupancy permits.

Water Services Department (Heather Massey, Heather.Massey@kcmo.org)

6) That the developer extend, relocate, and abandon public and/or private water and sewer mains as required by the Water Services Department.

7) That the developer provide water and sewer main easements, as required by the Water Services Department.

Fire Marshal's Office (John Hastings, John.Hastings@kcmo.org)

8) That the developer provide fire protection as required by the Fire Department.

Motion carried 7-0

VOTING AYE:	Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY:	None
ABSENT:	None

RE: SD 1334G – Highlands of Northview, Seventh Plat

APPLICANT: Jim Owens
Owens Built Properties
P. O. Box 901471
Kansas City, MO 64190

AGENT: Shannon Buster, P.E.
Lutjen, Inc.
1301 Burlington Street, #100
N. Kansas City, MO 64116

LOCATION: Generally located on the east side of N. Mersington Avenue,

between NE 87th Street and NE 88 Terrace.

AREA: Approximately 1 acre

REQUESTS: To consider approval of a final plat in District R-7.5 (Residential – 7.5), creating two (2) single family lots.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Brian Forquer, Lutjen, Inc., 1301 Burlington, #100, North Kansas City, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 1334G SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the plat be revised to show:
 - a. All corrections identified in the Land Development Division final plat checklist.
 - b. Revise the Plat boundaries to include the street stub to the east, to the end of the 15 foot radius.
 - c. The City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
 - d. Parkland dedication language on face of plat reflecting all the lands dedicated by prior plats.
2. That the developer submit a street tree planting plan as part of the final plat and receive the approval of the City Forester for street trees planted on right of way in front of residential lots with a copy of the plan submitted to the Department of City Development. The plan shall include size, type, species, and placement of trees prior to Mylar approval of this final plat.

Conditions 3. through 13. per City Planning & Development, Land Development Division (Brett Cox, Brett.Cox@kcmo.org)

3. Further revisions and/or corrections by Land Development Division.
4. That the developer submit a detailed Micro storm drainage study showing compliance with the approved and most current Macro study on file with the City and with current adopted standards, prior to release of the Final Plat for recording, that the developer make on-site improvements and/or improve downstream conveyance systems to address impacts and changes in flow characteristics leaving the site and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate rate and volume of runoff from the proposed site.

5. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
6. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
7. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
8. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
9. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
10. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
11. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
12. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
13. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.
14. That the developer extend water mains as required by Water Services Department.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: **SD 0964Y, Final Plat, The Links at Staley Farms, 1st Plat**

APPLICANT: Donald W. Julian
Julian Development Company
15521 W. 110th Street
Lenexa, KS 66219

PROPERTY OWNER: Security Bank of Kansas City
701 Minnesota Avenue
Kansas City, KS 66101

AGENT: Brian Forquer
Lutjen, Inc.
1301 Burlington Street
N. Kansas City, MO 64116

LOCATION: Generally located on the east side of NE Staley Farm Drive, the south side of NE Shoal Creek Parkway and the east side of NE Staley Road.

AREA: Approximately 15 acres

REQUESTS: To consider approval of a final plat in District R-6 on approximately 15 acres, creating 35 single family lots and three (3) tracts.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Brian Forquer, Lutjen, Inc., 1301 Burlington, #100, North Kansas City, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Crawl stated he was curious on the staff report that on page 2, second paragraph, “that no action had been taken by the Planning and Zoning Committee because of the plat not being filed” he thought there were houses built on that plat; did it have to be recorded to do that”?

Mr. Olofu Agbaji stated he would have to look into that and be sure that it was corrected prior to going to Council.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 0964Y SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That plat be revised to show:
 - e. Provide the required 30 foot screening and landscape buffer on the rear of lots 30-35 within a tract (Tract D).
 - a. A statement on the final plat prohibiting vehicular access onto N. Brooklyn Avenue from Lots 30–35 and Tracts D.
 - b. Revise the name of the plat on the location map.
 - c. Add the street name near Lot 1-5 and show the break points per Street Naming Plan.
 - d. Add the City Plan Commission approved date once the plat has been recommended for approval by the City Plan Commission.
 - e. Revise the 'Private Open Space' language to include:
 - a) Revise the statement to also include the amount being paid by the developer.
 - b) Revise the private open space language to state if it is not being used to satisfy the parkland requirement.

Condition 2. Through 5. per City Planning & Development, Development Management Division (Olofu Agbaji, Olofu.Agbaji@kcmo.org)

2. That the developer submit final community unit project plans to the City Plan Commission for approval including plans for landscaping, grading, screening, berming, fencing; including plans for private open space tracts containing detention areas, pedestrian pathways, pool/clubhouse, fencing, playground equipment, etc. That the developer submit a final plan for the proposed private open space tracts prior to Mylar approval of this plat.
3. That the developer submit an updated overall development plan that addresses the revised lot configuration and lot numbering to Development Management Division prior to ordinance request of this final plat.
4. That the developer obtain approval of a Street Naming Plan from Development Management Division prior to Mylar approval of this final plat. Street naming plan shall be approved prior to issuance of address for this plat.
5. That the developer submit a street tree planting plan to the Development Management Division as required by the CUP prior to ordinance request. The developer shall also secure the approval of the City Forester for street trees to be planted in the right of way in front of residential lots prior to Mylar approval of this final plat.

Conditions 6. through 16. per City Planning & Development, Land Development Division (Brett Cox, Brett.Cox@kcmo.org)

6. Further revisions and/or corrections of Land Development Division.
7. The developer must submit a Micro storm drainage study to Land Development Division for review and acceptance for this phase when the final plat is submitted, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat.
8. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
9. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
10. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
11. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
12. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
13. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
14. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
15. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
16. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the

maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

Condition 17. per Water Services Department (Heather Massey, Heather.Massey@kcmo.org)

17. That the developer extend water main and provide easement as required by the Water Services Department.

Condition 18. per Parks and Recreation Department (Richard Allen, richard.allen@kcmo.org)

18. That the developer contribute \$9,989.69 in lieu of parkland dedication in satisfaction of Section 88-405-17 of the Zoning and Development Code. Calculation based on:
35 single-family lots x 3.7 x 0.006 = 0.78 acre
0.78 acre x \$12,856.74 (2001) = \$9,989.69

Condition 19. per Fire Marshal's Office (John Hastings, John.Hastings@kcmo.org)

19. That the developer provide fire protection as required by the Fire Department.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: Case No. SD-1490A – 2001 Main Final Plat

APPLICANT/OWNER: Jason Swords
2001 Main Lodging Partners, LLC
1529 Grand Blvd, Floor 2
Kansas City, MO 64108

OTHER OWNERS: The Mylan Corp.
P.O. Box 414059
Kansas City, MO 64141

City of Kansas City
414 E 12th St
Kansas City, MO 64106-2795

LOCATION: Generally located at 2001 Main St.

REQUESTS: To consider approval of a final plat in District DX-15 (Downtown Mixed Use (dash 15)), creating 2 lots, and vacating certain street right-of-way.

Commissioner Crowl recused.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Dan Moye, 1520 Grand Blvd, Kansas City, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 1490A SUBJECT TO THE FOLLOWING CONDITIONS:**

The following plat correction revision is recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or brett.cox@kcmo.org for more information.

1. That the applicant revise the plat as follows:
2. Provide street grades for all right-of-way adjacent to Plat.
3. That the applicant provide Development Management Division staff with utility comment sheets from all utilities which state "no objection" or "objection waived subject to conditions" prior to ordinance request.
4. *The remaining conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or brett.cox@kcmo.org for more information.*
5. That the developer shall submit to the Land Development Division, 5th Floor of City Hall, a Storm Drainage Report from a Missouri-licensed civil engineer evaluating proposed improvements and impact to drainage conditions. There shall not be an increase to historical runoff conditions from the site and since this project is within a "Combined Sewer Overflow" (CSO) district, the expectation is to retain rainfall up to 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and provide a safe overflow path for the 100 year storm, in order to provide protection that the rainfall retention approach does not provide. Drainage study should verify if any modifications to public sewer structures are required and that downstream conditions will not be impacted negatively as a result of engineering impact. The study shall be submitted prior to approval and issuance of any building permits or prior to recording the plat. The developer shall provide for construction of improvements as required by City Planning & Development.
6. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and

64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

7. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

Motion carried 6-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Martin, May, and Macy
VOTING NAY:	None
RECUSED:	Crowl
ABSENT:	None

RE: **SD 1500 - Final Plat, Klamm Road Apartment Homes**

APPLICANT: A.G. Spanos Companies
8005 West 110TH Street #210
Overland Park, KS 66210

OWNER: Margaret E. Jenkins, et al
7955 N. Childress
Parkville, MO 64152

REPRESENTATIVE: Patricia R. Jensen, Esq. c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

- LOCATION:** Generally located at the southeast corner of NW 64th Street and N. Klamm Road
- AREA:** About 32 acres
- REQUEST:** About 32 acres generally located at the southeast corner of NW 64th Street and N. Klamm Road, to consider the approval of a final plat in District MPD (Master Planned Development) for one residential lot, numerous tracts and public right of way.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report with removing Conditions #3, #6, #23 and #24.

Chairwoman Macy asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm, there on behalf of applicant; she agreed with the staff report and all the conditions after the revisions.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 1500 SUBJECT TO THE FOLLOWING CONDITIONS:**

Condition 1 per City Planning and Development, (Brett.Cox@kcmo.org), Pam.Powell@kcmo.org and (john.eckardt@kcmo.org)

1. That the developer revise the preliminary plat in the following manner:
 - a. Further recommendations and conditions of the Land Development Division.
 - b. That the Street Tree Planting plan show at least three genus types on N Klamm Road and show street trees along the frontage of Mo Rte 45 as required by the City Code, Parks and Recreation Department staff and MODOT staff.
 - c. Revise the title of Tract A and Tract C to Stormwater Detention Area.
 - d. Remove Drainage Easements inside of Tract A and Tract C.
 - e. Revise the 15' Private Drainage Easement to Surface Drainage Easement, recorded in Book____, Page ____.
 - f. Verify width of Surface Drainage Easements are adequate to convey the 100-Yr storm event per APWA standards.
 - g. Remove 5 foot widening of North Klamm Road Right-of-Way on the west side, near the south end of Tract A.

- h. On Page 2, under Maintenance of Tracts, remove "private" from the first sentence, and change "Declaration of Covenants and Restrictions" to "Covenant to Maintain Storm Water Detention Facility.

Conditions 2 through 17 per City Planning and Development, (Brett.cox@kcmo.org)

2. The developer must submit a Macro/Micro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
4. The developer must provide documentation of approval from The City of Parkville for removal of Klamm Road from their jurisdiction within the project boundary.
5. That Klamm Road shall be improved to the southern property boundary, as required by Public Works Department and the Land Development Division, including curbs and gutters, sidewalks, street lights, etc., as may be required to construct the road south of MoDOT Right-of-Way to current standards including relocating any utilities as may be necessary, obtaining required permit for said improvement, or enter into a Cooperative Agreement for Road Improvements and contribute funds for the construction of the road to the southern property line, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
6. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
7. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
8. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
9. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.

10. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
11. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
12. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit and to connecting private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
13. The developer must secure permits to extend storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
14. That a final stream buffer plan be submitted with clearly dimensioned distances of disturbance from stream zones and approved prior to issuance of any building permits and prior to removal of any mature riparian species within the buffer zones due to building activities on the site, in accordance with the Section 88-415 requirements.
15. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.
16. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

Condition 18 per Wei Sun, PW Dept. (Wei.sun@kcmo.org)

17. That the developer dedicate adequate right of way for N. Klammer Road as shown on the development plan, including right of way for the south approach of the intersection of Missouri Route 45 and N. Klammer Road, to provide for an exclusive 200 foot long northbound left turn lane, a through lane and a future 150 foot long right turn lane, plus all appropriate tapers.
18. That the developer obtain a permit from Missouri Department of Transportation for work in MODOT right-of-way.

*Condition 20 per Heather Massey, Water Services Department
(Heather.Massey@kcmo.org)*

19. That the developer relocate, extend and abandon water mains as required by the Water Services Department.

Condition 21 per John Hastings, Fire Marshal's Office (John.hastings@kcmo.org)

20. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

Condition 22 per Richard Allen, Parks and Recreation Dept. (Richard.allen@kcmo.org)

21. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

* 291 MF units x 2 persons/unit x 0.006 acres/person= 3.49 acres

(Note: this fee not required if total amount of parkland meets or exceeds 3.49 acres as agreed upon by city staff with adequate amenities).

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: Case No. 3154-P-5

APPLICANT: Matthew L. Murphy, Treanor Architects, P.A.
1040 Vermont Street
Lawrence, KS 66044

OWNER/S: AutoZone Development Corporation
123 South Front Street, 3rd Floor
Memphis, TN 38103

L B Holdings LLC
14125 Broadmoor Street, Apt 203
Overland Park, KS 66223

AGENT: Same as Applicant

AREA: About 0.65 acres
Overall development, 3.3 acres

LOCATION: Generally located at the northeast corner of E. Truman Road and Hardesty Avenue

REQUEST: a) Case No. 3154-P-4: To consider an amendment to an existing preliminary plan in District CP-1 (Planned Business Center -1) but currently zoned B 1-1 (Neighborhood Business 1, (dash 1)) and R 2.5 (Residential 2.5), to allow for an additional lot for a new 6,500 sf retail store in addition to the existing 17,750 sf store, which will remain.

b) Case No. SD 1497: To approve a final plat creating two (2) lots in District CP-1 (Planned Business Center -1) but currently zoned B 1-1 (Neighborhood Business 1, (dash 1)) and R 2.5 (Residential 2.5).

Ms. Diane Binckley, Assistant Secretary, stated the request was to continue this matter to the March 17, 2015 docket without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Crawl moved and Commissioner May seconded the motion to **CONTINUE** this matter to the March 17, 2015 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: **SD 1498 – Block 4 Development, Preliminary Plat**
SD 1498A – Block 4 Development, Final Plat

APPLICANT: Sean O’Byrne
Block 4 Acquisitions, Inc.
1000 Walnut, Ste. 200
Kansas City, MO 64106

AGENT: Steve Whitaker
Shafer, Kline and Warren, Inc.
11250 Corporate Avenue
Lenexa, KS 66219

LOCATION: Generally located between W 17th Street to the north, W 18th Street to the south, Broadway Boulevard to the east and Central Street to

the west.

AREA: 2.24 acres

REQUESTS: To consider approval of a preliminary and final plat in District M1 5 (Manufacturing 1 dash 5), on about 2 acres generally located west of Central Street, east of Broadway, south of W 17th Street and north of W 18th Street creating one commercial lot.

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Sean O'Burns, Vice President of Downtown Council and they were working with UMKC and hopefully, met their fundraising goal of \$45 million to create a music and dance conservatory on the site; and they would eventually raise the structures and then present it over to them fee simple once they had reached their fundraising goals. They were in hopes that everything moved forward; he was in agreement with all of the conditions.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE SD 1498 WITHOUT CONDITIONS.**

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE SD 1498A SUBJECT TO THE FOLLOWING CONDITIONS:**

Conditions 1-13 per City Planning & Development, Land Development Division (Pam Powell, Pam.Powell@kcmo.org)

1. Delete the 'Building Lines' language if platted building lines are not being established by this plat.
2. Delete the 'Easement Dedication' language if utility easements are not being dedicated by this plat.
3. Use the city's standard 'Restricted Access' language, if applicable to this plat.
4. All proposed easements must be labeled with bearings and distances.
5. The ownership name(s) listed on the plat drawing must agree exactly with the ownership name(s) listed on the ownership certificate (OC). (The plat drawing lists the owner as

'Block 4 Acquisitions, inc., a Missouri non-profit corporation'. The OC lists the owners as 'Block 4 Acquisitions, Inc., a Missouri corporation, as to Tract 1, 2, and 3) and Block 4 Acquisitions, Inc., a Missouri non-profit corporation as to Tract 4.)

6. The proposed final plat drawing must be in compliance with the approved preliminary plat/plan.
7. Add the City Plan Commission recommended approval date from the City Plan Commission disposition letter sent to you by the City Planner.
8. Revise '2014' to '2015' in the Council block.
9. Street grades must be shown if they are being established and/or referenced by the ordinance number and date it was passed by Council if they have already been established. Verify the correct information is shown and coordinate with Review Engineer Brett Cox who can be reached at 816-513-2509.
10. Add the directional street name (E. or W.) to 17th and 18th Streets.
11. All streets (interior and exterior) previously dedicated as existing right-of-way should reference the ordinance # that established the right-of-way and the date that the ordinance was passed by Council. (This is usually also going to be the same ordinance and date passed for the street grades if they have already been established.)
12. Submit a copy of the paid 2014 tax receipt. Submit copies of special assessments paid in their entirety or proof that none exist. (Go to: https://quicktax.kcmo.org/_/ to determine if the subject property has special assessments.to determine if the subject property has special assessments.)
13. Submit a pdf of the revised plat drawing with all of the requested revisions on a CD if you are hand-delivering or mailing the re-submittal. (Otherwise, see the information below for digital submittals.)

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: a) **Case No. 6608-P-5**
b) **Case No. 6608-P-6**

APPLICANT/ OWNER: Mohammad AbuAshbah
Prince Auto, LLC
10612 Blue Ridge Boulevard
Kansas City, MO 64134

AGENT: Khalid Banday
KAM Design & Construction, Inc.
9000 E. Bannister Rd., #100
Kansas City, MO 64134

LOCATION: 10612 Blue Ridge Boulevard - Generally located on the west side of Blue Ridge Boulevard, approximately 200 feet north of E. 107th

Street.

AREA: About 0.6 acres.

ZONING: B3-2 (Community Business dash 2).

- REQUESTS:**
- a) **Case No. 6608-P-5-** To consider an amendment to an existing Chapter 80 approved preliminary development plan in District B3-2 (Community Business dash 2), to delete the existing chapter 80 plan.
 - b) **Case No. 6608-P-6 -** To consider approval of a development plan in lieu of a Special Use Permit pursuant to Chapter 88-517-12-D, in District B3-2 (Community Business dash 2), to allow for vehicle sales and service.

Set Quorum: Archie, Baker-Hughes, Crowl, Gutierrez, Martin, May, and Macy

Mr. Olofu Agbaji, Staff Planner, presented the recommendations the Commission wanted from the last continued hearing and stated that not all had been met. He met with the applicant yesterday and he had revised corrections from that meeting.

Chairwoman Macy asked if it was his recommendation they continue the case again.

Mr. Agbaji stated he would probably have the neighborhood testify to see what the progress was on the site; the application was filed November 21st; it came to CPC on January 6th; CPC continued it to February 3rd and that was when he gave them an outline of the corrections that needed to be made to the plan; they gave their plans to him on February 17th; and then met yesterday for today, March 3rd. For them to have a plan to go up to City Council for approval to be able to hold them on the plans was what he was trying to arrive at; he needed the corrections and he may have to ask for waivers or the reasons why he was not providing those.

Commissioner Archie stated that most of those corrections seemed like it was part of a package, paperwork; drawings, some clarity that would be part of a plan. The things that he was discussing from the neighborhood were things in addition?

Mr. Agbaji stated yes. If they looked at the architecture one of his recommendations was that he removed those panels from the canopy; he told me that they were part of the canopy, but you can see (by the picture) they were welded from the back and the canopy was not constructed or designed to be like that. The signage, as was not for approval for standard City signage.

Chairwoman Macy asked the applicant to address the comments that Mr. Agbaji made and any others that he might had.

Mr. Khalid Banday stated they had a meeting yesterday afternoon and after that he went back to the office and revised the plan (he passed out the new revised plan); he was going to eliminate

the sign posts on the canopy; he talked about the signage (inaudible); he also talked about outside parking (inaudible); the landscaping they were installing a few trees according to Chapter 88 Code and with shrubs and bushes around the sidewalks on the front and then screened for the parking lot on the back. The lighting plan, the street light on the light post was bright for that small area and that would come down.

Chairwoman Macy asked if the new plan worked out to be the signage plan or did he need a different plan to show it.

Mr. Agbaji stated that if it was going to be lettering on the wall, he needed to call that out if he was going to individual lettering on the wall and he also needed to call it out who did; but in terms of calculation, he would be okay with what he had shown on the new plan.

Chairwoman Macy stated he was talking about a signage plan rather than letters painted on the brick.

Mr. Banday stated he would talk about that but it would be code for the sign.

Chairwoman Macy stated the whole process as to why he was there was when you pull a permit the plans would be complete; and he would need a lighting plan and landscaping plan here; it was part of his package that he presented to them. They had to have the package prepared for there so the public could have an opportunity to look at what he was doing; that was why they had continued the case a number of times; those were all addressed a month ago with him and for him to come back and not have those completed; it was hard for them to move forward.

Commissioner May asked about bicycle parking that was part of the recommendations.

Mr. Banday stated they would have it along the side of the building on the north.

Commissioner Crowl asked about the colors going to be used; but he found it.

Commissioner Archie asked on letter (g) the colors; Commissioner Archie asked about the color being approved by staff as part of a condition or did they just tell him.

Mr. Agbaji stated that when they met yesterday the color he brought yesterday and what he had today were different; it was important because from what the building looked like (showing picture) when they applied; that was what the building looked like now and he was proposing a brown or a neutral color, but they needed to have something on what the final was going to be.

Commissioner Archie asked that once they saw that color; what did they do with it; and any discussion on that color with the architectural fit was that part of the discussion.

Chairwoman Macy stated she thought part of it was it wasn't dictated on the plan correctly was what Mr. Agbaji was pointing out; and then she asked about the area development plan what it said about zoning.

Mr. Agbaji answered the existing zoning of used auto repair and the proposed use was vehicle service so it was pretty much the same use; it was just they were doing auto sales there.

Chairwoman Macy opened up the discussion to the public.

Ms. Carol McClure, one of the Co-chairs of the Southern Communities Coalition stated they hadn't seen any completed plans as far as what their site would look like and they still had the same concerns as they have had all along; they would like to see it look really nice because this was a visible site; they were against a used car lot being there at all with the business. One of the things the Hickman Mills Area Plan and the Blue Ridge Corridor Plan was that they were trying to clean up Blue Ridge Boulevard and they thought if the opportunity arose they would state they did not want a used car lot; they couldn't object to the business because that went along with the zoning. There was a couple that lived behind the establishment and they couldn't get down their driveway because it was blocked with them trying to move cars into their parking place. There was a whole bunch of cars there and with the type of business they were doing they didn't understand why they had so many cars there.

Mr. Alexander Gomez and owned the house behind the establishment and they were supposed to have access on both sides to O'Reilly and to his parking lot. When his father-in-law passed away, the fire truck couldn't get in there; the paramedics finally got through the O'Reilly site to come down his drive. If there was to be a fire at his home, there would be no way that a fire truck could get down there because of the low hanging wires that were on the O'Reilly side of their parking lot; both sides had to be open and that was his main concern, he couldn't get in or out of his drive.

Ms. Gomez and her question was when they were parked there, what did she do call the police department and have them towed away at their expenses or could she do that.

Chairwoman Macy stated that they didn't have the tools or resources to answer that question because they were only a planning commission.

Ms. Gomez stated she had read on the paper there would be new utilities up there and wanted to know what that meant; were they going to be blocked off together.

Chairwoman Macy stated no, that the plan required that it stayed open; that driveway where there were utilities in the easement, and there would be an access drive for their property; it should be open.

Ms. Gomez asked which side were they going to put the cars; the easement went east of the parking lot and she knew they didn't appreciate that but that was the way it was; even though the whole easement belonged to them they had to do something for them to get across.

Chairwoman Macy asked about the landscaping plan and easement; that easement that was there and how it applied, was it the way it was drawn up did look like it came into the easement.

Mr. Agbaji stated that looking at the plan and the picture of the easement; he showed them where the easement was and went right into the light poll, which would be taken down. And on one of his conditions was for them to show the actual easement, driveway and sidewalk.

Commissioner Archie stated that basically it was visually undefined; if it was supposed to be a driveway or whatever it was supposed to be it looked like a place where nobody took care of the grass with a bunch of rocks; it was intended to be a driveway, was it possible that it would become visually defined to make it look like what it is; if he was driving a fire truck he would have to ask "what driveway?"

Mr. Agbaji stated they would have to make it look like there was access and it was provided; the neighbors had access.

Ms. Binckley stated that they could add a condition to provide an asphalt or concrete rise where it extended across there to show the easement so it improved the site and it would make sure they had the full access they needed and access back to the property.

Chairwoman Macy stated but the testimony was there were power lines that were over the O'Reilly site.

Ms. Binckley stated they could try and work with the applicant to figure what that was; and make sure they had fire truck access.

Chairwoman Macy asked if Olofu was comfortable with the landscaping plan with the easement coming through their plan; his recommendation was for approval based on those conditions she didn't think they could grant approval of the case because they were not complete.

Commissioner May stated that was the question she had; for there to be a recommendation for approval, with the missing pieces was confusing; how did they approve it and be sure those things would be addressed since they haven't been addressed. In addition, she thought that the removal of the light pole was part of the lighting plan, was that true.

Mr. Agbaji stated that was what was discussed earlier; that was what they said they were going to do.

Commissioner May stated that if the pole wasn't there, then the access to the home would be;

Commissioner Archie stated not that pole, there were a few poles right there; the poles he mentioned on the lighting were the ones on the other side.

Chairwoman Macy stated she didn't feel they had the background material to make a ruling on the case; however, they had continued it a number of times, they had an option to continue it again.

AGENT: Cecilia Shalz
Northland Enterprises Investor's Corp.

1600 Swift, Suite 201
North Kansas City, MO 64116

LOCATION: Generally located on the south side of NE 108th Street between I-435 on the west and NE Reinking Road on the east.

AREA: About 50 acres.

ZONING: District R-7.5 (Residential dash 7.5).

REQUESTS:

- a) **Case No. 10997-P-1** - To consider rezoning the 50 acre tract of land from Districts R-10 (Residential dash 10) to District AG-R (Agricultural dash Residential).
- b) **Case No. 10997-P-2** - To consider approval of a development plan in District AG-R (Agricultural dash Residential), on about 50 acres to allow for the existing single family residence, storage buildings, outdoor storage area, and parking areas which are used in a landscaping business.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Bryan Wolters, 10101 N. Bradford; Kansas City, Missouri; agreed with the staff report.

Commissioner Crowl asked if he would be creating any mulch or anything like that on the site.

Mr. Wolters answered no; they would store mulch but they wouldn't make mulch.

Mr. Agbaji stated he did receive a call from the neighbor to the east and had some questions; the neighbor to the south also had questions and objection in terms of agricultural operation and he informed him that any use of any residential use had to go by the Development Code and he was okay with that. He also had questions about the plan as shown; it was the City's GIS map and it did not reflect the outbuilding location but he would be sure he corrected the map to reflect the survey.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 10997-P-1 WITHOUT CONDITIONS.**

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to
APPROVE Case No. 10997-P-2 SUBJECT TO THE FOLLOWING CONDITIONS:

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to ordinance request showing:
 - a. All the information on the City Planning and development application checklist handed out at the Development Review Committee meeting on February 18, 2015.
 - b. Correct title to read "Development Plan" and include name of proposed development.
 - c. Label existing Right-of-Way widths.
 - d. Show stormwater management for proposed improvements.
 - e. Show stream buffer limits on face of plan.
 - f. All chapter 52 parking requirements.
 - g. All holding areas clearly designated on the plan and properly screen from all public streets.
 - h. Language on the face of the plan prohibiting public sales of landscaping materials from the site.

Condition 2. per City Planning & Development, Development Management Division (Olofu Agbaji, olofu.agbaji@kcmo.org)

2. The development plan allows for the existing single family residence, storage buildings, outdoor storage area, and parking areas which are used in a landscaping business only. The developer will be required to submit a development plan amendment to allow for any of the uses permitted subject to approval of a site plan approval in the AG-R district.

Conditions 3. - 7. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

3. That the developer submit a detailed Micro storm drainage study, in general compliance with adopted standards, including a BMP level of service analysis, prior to approval and issuance of any building permits, that the developer make on-site improvements and/or improve downstream conveyance systems to address impacts and changes in flow characteristics leaving the site and that the developer construct any other improvements as required by Land Development Division as necessary to mitigate final runoff rate, volume, and quality of runoff from the proposed site.
4. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
5. That any stream buffer zones are delineated by submitting a preliminary buffer plan prior to approval of the special use permit plan in accordance with the Section 88-415 requirements.
6. That a final stream buffer plan be submitted and approved prior to issuance of any building permits and prior to removal of any mature riparian species within the buffer zones due to

building activities on the site, in accordance with the Section 88-415 requirements.

7. The developer must grant on City approved forms, BMP and STREAM BUFFER Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: Case No. 10633-P-15

APPLICANT/ OWNER: Bannister Realty Company, Inc.
7401 W. 135th Street
Overland Park, KS 66223

AGENT: James C. Bowers, Jr. Esq.
c/o of Elaine Bowers
White Goss, a Professional Corporation
4510 Belleview Avenue, Suite 300
Kansas City, MO 64111

LOCATION: Generally located at the northeast corner of N. Green Hills Road
and NW Tiffany Springs Road.

AREA: 246 acres

REQUESTS: To consider a request to amend a previously approved Chapter 80
Preliminary on approximately 246 acres in Districts R-2.5 and R-6,
to allow for modification of Phase IV of the current approved plan.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Martin asked about the KCI Area Plan in that it recommended low density residential; could he define low density residential and how that fit.

Mr. Agbaji stated the amendment is not to the plan so the density they are not exceeding what the existing plan is allowing in terms of the density, they were not asking for more.

Commissioner Martin asked if the original plan called for apartment buildings.

Mr. Agbaji answered no.

Commissioner Martin then on the surface the density hadn't changed but now it was apartment buildings.

Mr. Agbaji answered they had only changed the building size; the request today was to change the building type from townhomes to apartments; but they were not changing the density that was approved.

Commissioner Archie stated that the same amount of people would be in both.

Mr. Agbaji it would be less.

Commissioner Archie stated that the density wasn't being affected it was the building design; so the number of people didn't increase it was less density.

Mr. Agbaji stated the approved plan allowed for 955 people; and they weren't getting to that and it was a mixed use of single family, duplexes, townhomes which was a multi-unit; they were doing now was adding an apartment type which was 12-units.

Chairwoman Macy asked to hear from the applicant.

Ms. Patricia Jensen, White Goss Law Firm, representing Bannister Realty which was the owner of the property; the previous owner of Genesis who ultimately went bankrupt and Bannister Realty ended up with the property; Bannister had been trying to find a developer to develop houses and Bannister now had a contract with Woods Development to develop that portion of the Genesis Plan. As Olofu stated, the revised plan represented a reduction in the overall density of Genesis and she thought, looking at the docket map, what they were proposing was mixed use; to the south, Tiffany Springs was zoned B-3 and at the corner of 152 and Green Hills Road was where the Commission approved the Menards overall retail development; and as they knew the KCI Area Plan was working toward improving streets in the overall corridor; that area was certainly active for development.

The previous request that was held off the docket was about 336 units they were now down to 264 units as well as a reduction in the number of buildings for the project and the overall height. Those all had been done to address concerns that were addressed by neighbors. On January 22nd they held a neighborhood meeting with the neighbors, primarily Genesis; Mr. Woods would present what he was doing but she would say he did agree with all of the conditions that were contained in the staff report. She had a letter from Alicia Stevens that was in support of this project.

Commissioner Crowl asked about the change of the buildings.

Mr. Steve Woods stated they always looked at competition and market indicators as far as supply and demand to the benefit of the community and for the overall synergy of the project; the project to the west was now under construction $\frac{3}{4}$ completed by the North Pointe Group is a 4-

story structure, with elevators. Elevators were very attractive in the apartment market today; they wanted to have a project that included elevators but they learned quickly at their first meeting with the neighbors, they didn't want elevators. To be honest, that was the main reason they backed off of elevators; the economics was not as good going from 4 stories to 3 stories because there would be more buildings, more sets of foundations, more roofs, but they did it as a gesture and they were now at 3 stories.

Commissioner Crowl asked that in part of their neighborhood discussion they did talk to folks in Genesis; but how about the folks on the west side of Green Hills Road.

Mr. Woods responded there was a vacant lot to the south and to the west of them owned by Richard Ellis Land broker, there was nothing there; on west, they really didn't go out passed 200 to 300 feet; the golf course was over there and they issued a letter of support; the ones they reached out to was the ones that had affiliation with the homeowners association that was tied in with the old Genesis project which the bank advised us.

Ms. Jensen stated they contacted the Genesis people who were primarily part of the development and had appeared there previously.

Mr. Woods stated they had a meeting with the neighbors on January 22nd and lasted about one hour and it was very friendly; to address Ms. Martin's objection they did not rule anything out when they first looked at the site they considered using townhouses but as the old saying goes "the numbers don't work"; the product type no longer had appeal in the market. There were some two story apartment complexes that were being built in different areas; everything changed getting to that level and really the only product type that worked on that particular location was a gated community with golf course upper end type tenants in mind that would be patronizing the golf course and would want the extra security and aesthetics that went along with a gated community; big club house all from one single ownership entity which wouldn't be them; they were in discussions now with a couple of local high-end apartment developers. In looking at the site, they added a better entrance on North Green Hills Rd, and would need a security card to get in there; that was going to greatly reduce the amount of traffic that was going through. They wanted that property to be very controlled and safeguarded.

The property consisted of 264 units and 11 buildings, 5,000 sq. ft. club house which was large by today's standards; all the buildings would be 3 stories; and different sites within the site for other types of sports; about 100 detached covered parking spaces and canopy spaces; two garbage pickups and mail pickups in different places. He described the pitch of the roofs, the façade; and the neighbors indicated they preferred the flat roof concept rather than the pitched roof; so they agreed to go with the flat roof; balconies were good sized; separate entrances, lighting with sconces a variety of materials would be used; one to 3 bedroom apartments; 900 sq. ft. to 1250 sq. ft., market rate; timing would be under construction by late August or early September.

He felt that the plan made sense for everybody; and they demonstrated to the neighbors that it was in their best interest economically to have an upscale apartment property next door to where they lived; not a straight row of townhouses that were individually owned and then represented competition to them when getting ready to sell.

Commissioner Archie stated it sounded like they were trying to create multiple opportunities for residential designs in the same place but not by increasing density.

Mr. Jim Riddle, 9527 N. Adrian Avenue; and wanted to show the Commission their concerns; when Green Hills was originally established as Genesis it was a well-planned neighborhood and it was developed before the recession and it was very appropriate; there were a number of different kinds of homes, single family, townhomes, the area known as The Villages also consisted of single family homes. They knew there would be growth and most of them anticipated that and they appreciated that in an area that was surrounded by great shopping, and close to the airport.

They had a lot at stake there, the City had done some tremendous things; they had improved the infrastructure with architectural detail on the bridges, beautiful walkways and byways in their community which included a lot of green space. They did not have a homeowners association and he was guessing that they were less than 40% built out; that was why he and others in their community had come there to speak.

Mr. Wood stated he had approached us in that it was all developed profitability of this piece of property from our view point and we are concerned about that. For example, when it came to the evaluation by the City, Parks and Rec, the planned subdivision fell far short of the green space for play area; the developer's solution to that was to pay a penalty to Parks and Rec and continue on rather than modify the plan.

The example he brought showed the way the properties were laid out; and their concern was you can see the 6 buildings that ran north and south along Green Hills Road, those buildings were less than 30 feet apart with minimal green space between the back of the property on the west side and Green Hills Road itself; there was no buffering. Most of the parking was on the east side of that property and people pulling into those parking spaces the lights would shine right into those townhomes.

He went on to discuss the monument sign that identified their community and their pride in that; but the developer had plans to modify that sign to be converted to "The Greens" at Tiffany Springs so they would lose their identify at that particular location.

The population density was also a concern; the development would bring an estimated 500 people to that area; 500 vehicles. The developer pointed out an exit point that he did not believe exists on the plan; and he believed it would be a challenge for emergency vehicles.

The aesthetics of the buildings were not consistent with the overall style of their community and that was concerning as well.

It was his opinion that it was an attempt to make the most profit on that piece of property by over populating it and by changing zoning so it could be crowded to the point it was and the incompliance with the zoning regulations with giving adequate green space and adequate space

around their community as well was inconsistent with the original plan which he thought was very appropriate and he would urge them to deny the request for the change of zoning.

Mr. Samson Germain, Mr. Riddle was his next door neighbor; when you buy a house you look at the neighborhood and you look at the area and make a decision; when you buy that house, you have an expectation that would be worth so much in so many years; so with this, for the next 20 years every time he paid my mortgage (inaudible); Not one of the neighbors saw it as a good plan; if it was so good why couldn't they see it? When Mr. Woods was explaining it, they couldn't believe they did not know what he was saying; they were untrue; please whatever decision they make, please keep that in mind. And if Mr. Woods thought this would raise the value of his home he would be willing to sign a paper right now selling it to him.

Mr. Jerry Nelson testified in support of the apartments; he had been a builder and developer in the Northland area for over 30 years; they had been building upper end homes, mid-range homes; they had done some apartments and they felt like it was a really good place for people who cannot afford to buy new homes today; they had been losing people to Johnson County for years and they needed to stop the people from leaving there. The last 10 to 15 years they had shown a lot of effort having the things they had over there and in 10 to 15 years what would happen along 152 Highway was going to be enormous and he thought that was a really good mix.

Ms. Jensen stated there were some things she wanted to clarify; Mr. Riddle's presentation asked that the Commission deny the two case numbers with P-13 and P-14 and those cases were not in front of them today; those were the previous cases that were held off the docket; the one in front of them was P-15 which was to amend the existing plan.

Also Mr. Riddle stated the developer was paying a penalty by for the parkland amount that was due; that was not a penalty, that was an option for the developer to either dedicate parkland or money in lieu of payment. That developer was choosing to do a combination of both.

She would challenge anyone that was the least dense apartment project in the Northland and had lots of green space in the area; there was no intent to remove the existing Genesis sign there would be two separate signs. Mr. Riddle also expressed he was concerned about the entry and exit points for the development; she stated the Fire Department had reviewed that and they had made recommendations which were contained within the staff report.

The other thing about the gates that were shown was that the previous plan; there was no gate going off into the east; and the other gentlemen talked about concern for property values and they said many times that a well-constructed plan wasn't going to negatively affect the property values. She believed the development exceeded a lot of the Code requirements; it wasn't something they were just throwing together after seeing all the amenities that would be provided. Again, there was no change in zoning there, all it was doing was amending the current approved plan to provide for a different housing type; multi-family was already permitted under the plan.

Mr. Woods stated that Mr. Riddle's drawing of the plan was outdated; but they were definitely minimizing the traffic on Stagecoach Rd; on the business of the inadequacy of green space he would totally reject that notion. The property would kick start the sanitary sewer master plan for

that whole area, for the commercial across the street; they had taken into consideration the neighbors, they had reached out to the neighbors after their meeting on 22nd and no one returned calls. So when they said he was not telling the truth, he had no idea what they were talking about.

Commissioner Archie asked about the entry ways not being buffered enough to avoid the car lights and did that package come with a traffic study.

Lutjen representative stated they did a traffic study for the regional plan that was submitted when it was 352 units and high density and that traffic study was approved by City staff and with the density now, it would come way down.

Ms. Jensen stated there would be screening along there to block the parking lot from the headlights shining into the properties.

Ms. Agbaji stated there would be a submittal of a final plan because it was a Chapter 80 plan so it would be a conditioned and they would make sure they buffered those with landscaping, berms and maybe fences.

Commissioner May asked to point out the location of the gentleman that testified (inaudible);

DISCUSSION:

Commissioner Archie stated he thought the idea of apartments was a scary concept because there was the assumption that it brought density and that particular design it brought diversity in architecture opportunities; for him, density wasn't much of a concern because it was decreasing the density. He would like to see something in there in dealing with the lights to ensure that the final plat gave them some idea that they could make sure that lighting didn't disturb the neighbors or the townhomes. There was a couple of things that came up; the Platte County Economic Council sent some information talking about the increase in employment out there, it seemed to be a demand that was appropriate for at least looking at increasing the opportunities for folks to live there.

Commissioner May wanted to clarify that it was just an amendment to the existing plan and not a rezoning.

Chairwoman Macy stated yes there was no rezoning and it was just amending the plan.

Commissioner Crowl stated the challenge for him was the density; the number of people there and it wasn't increasing the number of people they were just re-packaging it into another delivery.

Commissioner Baker-Hughes stated that she thought the part of the problem was that when they thought of the term "low density" they didn't mix that with apartments; but based on the plan the definitions and the guidelines those numbers do fit into that space.

Chairwoman Macy stated that looking at the proposed development of multi-family she thought it fit and how you would plan a development if it was a brand new plan. However, the plan was submitted and was recorded as townhomes there and if she had purchased a home there and that was what the intent of the design was, she would be concerned. She was pre-disposed to disliking gated communities, it was a plan that was all incorporated as one; the plan that they had today was to gate something off from the rest of the community; so she had reservations about how it was planned; if it was a whole new plan packaged to them and that was the proposed development she would not have as many concerns; the fact that it was an original plan that they were amending it, the property owners there thought it was going to be townhomes; she had reservations about that.

Commissioner Archie stated he could appreciate that; he thought the design improves the opportunity for more flexibility without increasing density and I think that is a benefit. I would support it and offer a motion.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE Case No. 10633-P-15 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
 - a. Dedication of 31 feet right of way for N. Green Hills Road.
 - b. Label "NW Old Stagecoach Rd" east of N Green Hills Rd to the intersection of proposed NW Old Stagecoach Rd" as Tiffany Springs Rd.
 - c. Show and label the 100-Year Floodplain.
 - d. 30 foot landscape private open space tract along NW Tiffany Springs Road and N. Green Hills Road.
 - e. Revised landscape plan to provide additional screen from the residential zoning to the north and east.
 - f. Garages constructed of the same materials as the principal buildings.
 - g. All covered car ports along the west and south sides visible from N. Green Hill Road, NW Old Stagecoach Road and NW Tiffany Springs Road covered on all three sides with the same building materials as the principle buildings.
 - h. Material for the retaining wall, the fence, the gates and the dumpster enclosure on the face of the plan.
 - i. A lighting plan that meets the requirement of Chapter 88-430 in its entirety.
 - j. A signage plan that meets the requirements of Chapter 88-445.
 - k. All proposed treatments of existing stub streets to be terminated.
 - l. Revise site plan to remove Tract B from private open space for parkland purposes.

Conditions 2. - 4. per City Planning & Development, Development Management Division (Olofu Agbaji, olofu.agbaji@kcmo.org)

2. Conditions of approval of Ordinance Nos. 040525, 040527 and 040528 passed by City Council on June 17, 2014 rezoned shall apply to the existing and future Genesis at Green

Hills Community Unit Project Plan.

3. That the developer submit Street Naming Plan to Development Management Division prior to ordinance request of this final plat. Street naming plan shall be approved prior to issuance of address for this plat.
4. The developer submit a Chapter 80 Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

Conditions 5. - 19. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)

5. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
6. That the developer submit an updated macro "overall" storm drainage study for the entire development to the Land Development Division for approval, with a micro "detailed" storm drainage study to be submitted, and that the developer construct any necessary improvements as required by the Land Development Division.
7. That the developer dedicate a minimum right of way on the east side of N. Green Hills Road of 98 feet as measured from the centerline of N. Green Hills Road at the intersection of N. Green Hills Road and Tiffany Springs Road extending north from the centerline of Tiffany Springs Road 92 feet to accommodate a roundabout, as required by the Land Development Division when Phase IV is platted or when required by the Department of Public Works, whichever occurs first.
8. That the developer design and construct all roundabouts within the development as "modern roundabouts" as required by the Department of Public Works.
9. That the developer dedicate additional right of way for N. Green Hills Road as required by the Land Development Division so as to provide a total of 56 feet of right of way on the east side of N. Green Hills Road as measured from its centerline.
10. That the developer dedicate a minimum of 60 feet of right of way for Old Stagecoach Road, per collector street standards (throughout the length of the development) as required by the Land Development Division.
11. That the developer improve Old Stagecoach Road to collector street standards through the length of the development, as required by the Land Development Division, including curbs, gutters, storm sewers, sidewalks, streetlights, existing roadway section transitions to meet

vertical and horizontal alignment standards, and relocation of utilities.

12. That the developer design and construct all interior streets to City standards as required by the Land Development Division, including curb and gutter, storm sewers, streetlights, and sidewalks.
13. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
14. That the developer obtain the grading consents, and all grading, temporary construction and drainage/sewer easements from the abutting property owner prior to submitting any public improvements.
15. That the temporary off-site cul-de-sacs be constructed as required by the Land Development Division.
16. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
17. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
18. That the developer extend sanitary sewers to ensure individual service is provided to all proposed lots and determine adequacy as required by the Land Development Division.
19. That the developer submit covenants, conditions and restrictions to the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts.

Condition 20. per Water Services Department (Heather Massey, heather.massey@kcmo.org)

20. That the developer extend water main and provide easement as required by the Water Services Department.

Conditions 21. - 25. per Fire Marshal's Office (John Hastings, john.hastings@kcmo.org)

21. Fire Department access roads shall be provided prior to start of all construction/demolition projects. (IFC2000: § 1401.1; NFPA 241-1996: § 5-4.3)
22. Required fire department access roads are constructed of an all-weather surface. (IFC2000:§ 503.2.3) Required fire department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC2000:§503.2.3)
23. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement

otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC2000:§508.5.1)

24. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC2000:§1412.4; NFPA 241§ 8.7.2)
25. Shall meet the minimum fire hydrant requirements of KCMO Water Services applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.

Condition 26. per Parks and Recreation Department (Richard Allen, richard.allen@kcmo.org)

26. The developer shall pay money in lieu of dedication of parkland in the amount of \$22,431.88. (for Platte Purchase Park). Credit was provided for Tracts A, C, and D totaling 2.89 acres of Private Open Space to be used for park or recreational purposes.

Motion carried 5-2

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Crawl, and Macy
VOTING NAY: May, Martin
ABSENT: None

RE:	Case No. 12202-SU-2
APPLICANT:	Dan Braik Braik Brothers Tree Care 8378 Interstate 70 Drive, SE Columbia, MO 65201
AGENT:	Matthew Hunt Braik Brothers Tree Care 8378 Interstate 70 Drive, SE Columbia, MO 65201
OWNER:	Kevin J. Slyester 1609 Crystal Ave Kansas City, MO 64126
LOCATION:	Generally located at the northwest corner of Highway 40 and Manchester Trfy.
REQUESTS:	To consider approval of a special use permit in District M1-5 (Manufacturing 1 (dash 5)) to allow for a general recycling service use and any necessary variances.

Ms. Diane Binckley, Assistant Secretary, stated the request was to continue this matter to the March 17, 2015 docket with one \$130.00 fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **CONTINUE** this matter to the March 17, 2015 meeting date with one \$130.00 fee (No Testimony – No Set Quorum).

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE:	Case No. 14535-UR
APPLICANT/OWNER:	Jon Copaken Arterra 21, LLC 1100 Walnut St, Suite 2000 Kansas City, MO 64106
AGENT:	Charles Miller Lewis, Rice & Fingersh, L.C. 1010 Walnut St, Suite 500 Kansas City, MO 64106
LOCATION:	Generally located south of 21st St between Wyandotte St and Fort Scott St.
REQUEST:	To consider rezoning from District M1-5 (Manufacturing 1 (dash 5)) to District UR (Urban Redevelopment), and approval of a preliminary development plan for a mixed use building to contain residential and retail uses.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Copagen stated he really didn't have a lot to add to the staff report; they worked extensively with Joe and Diane and staff and take into account many considerations; they reworked the plan that would be viable and that would fit into the context of the materials, the materials, etc.; they didn't have any disagreements with any of the conditions that staff recommended.

Chairwoman Macy asked him to talk about their target market.

Mr. Copagen stated it was generally a little bit on the smaller side; so they would have neighboring projects that would have comparable units but generally larger; they were looking more for studios; that was the first new project in the Crossroads which they all felt it was on an upswing and it was a place where people wanted to live so that was a project with plenty of options for people who want renovated buildings and didn't need parking, it was self-contained and it really provided that user group; they had invested in the property for over 5-years and then worked on the property a couple of years prior to that so they had been looking at different schemes, different projects, different ideas and really got the feel for the market there.

Commissioner May asked if they were planning on having some set aside for lower-income people.

Mr. Copagen stated they really didn't have anything set aside for anybody; it was open to whoever wanted to be there, it was a market rate apartment rate project.

Commissioner May stated she was a strong proponent of a mixed community to wear there was diversity income and all aspects of diversity.

Ms. Susie Aaron; there today for her family; they had been in the neighborhood long enough to remember the property was having a big PCB building on it which was very dangerous and very ugly; fortunately that went down and the Copagen family bought the lot. Her children and she owned probably 7 buildings that were within an easy walk of the neighborhood. Her children lived in the neighborhood; they had businesses in the neighborhood so they had been invested in the community a long time. She was really speaking for them because when she asked them how they felt about the project; and each one of them was excited and enthusiastic about the quality of this project and new construction is expensive and with it comes a balance to attract the kind of tenant that they would like to have in their neighborhood. They were forever trying to balance the eclectic neighborhood and they didn't want to lose that; again they really supported a quality project that would bring quality neighbors and would support their cultural institutions that would support their restaurants and entertainment and their shops.

Ms. Patricia Jensen, White Goss Law firm, 4510 Bellevue; and with her was John Bennett Jr with Master Realty and they represented the ownership of Freight house Lofts and Stuart Hall; they were in a difficult position; they were very supportive of the redevelopment of the property but they had concerns about the height.

Master Realty has been very vital in the rebirth of converting big old buildings into loft apartments and condominiums not only in the Crossroads area but downtown and the River Market area. The two properties that manage or have ownership interest in that area were the Stuart Hall building which was a mixed-use building that had both residential and commercial uses and it was 7 stories tall and was one of the largest buildings in the Crossroads area. She believed the height being 110 feet tall was the height of the chimney not the height of the overall building; the mass of the building was about 8 feet. The other property was Freight House Lofts

which was directly across the street on Wyandotte from the proposed project. It was a 4-story mixed use condominium building and Master Realty was supportive of the development; they continued to be supportive of a previous plan that Mr. Copagen had put in front of the area neighbors; in fact was still posted on a sign in front of the property. That plan proposed construction of about a 7 story building one story for retail and 5 to 6 stories for residential. That was the plan that they continued to be supportive of.

As to height, in addition to the 75 foot limitations contained in the Greater Downtown Area Plan the plan also recommended that projects “should transition from higher scale areas to less intensive areas by gradually stepping height down to be sensitive to the neighborhood scale and character”; a plan that proposed a 12-story, 129 foot tall building in that area that consisted of 8 story buildings and Piper Lofts was 10-stories that was the only building above 8-stories and the rest were basically 4 to 5-stories was not being sensitive to the neighborhood scale and character of the Freight House area.

If the building was constructed, Stuart Hall to the left consisting of 7-stories and then go to a 12-story height building and then fall down to a 4-story height building; they did not believe that met the recommendation of the Greater Downtown Area Plan.

Another issue they were concerned about was if the existing infrastructure could accommodate the density. The Crossroads area frequently experienced sewer backups anytime there was a heavy rain; the sewer infrastructure was over 100-years old and they did not believe the conditions in the staff report guide what needed to address in making improvements to the overall system in the area in constructing the project. There needed to be a plan prior for comprehensive improvements of the overall area in the Freight House area not just that piece of it prior to moving a larger density project forward that did not meet the area plan.

They requested a continuance for further discussion with the adjacent neighbors as to the height and scale of the project and to address a plan for the aging infrastructure in the Crossroads area prior to moving it forward.

Chairwoman Macy stated she was involved with a very large infrastructure on 22nd Street that improved that area greatly; it seemed to be right there for the project where those improvements were done. The comments about the infrastructure was that in the Crossroads generally or the whole Freight House area.

Mr. Bennett stated they were specifically speaking about the Freight House area; there were improvements made along the 22nd corridor that didn’t extend down Wyandotte; the sewer systems would not support the project.

Chairwoman Macy stated that Joe’s description of the Greater Downtown Area Plan was helpful; part of that came for a project that was presented on Broadway many years ago, 18 story structure, and that was where those height issues came into play; the elevation of the grade at that location was significantly different than the elevation where the site was and the plan did call out for “exceptions” to the plan.

Ms. Jensen stated she wasn't talking specifically about the by (switch – sic) height which was where the exception was; she was talking about a separate provision in the Greater Downtown Area Plan under the recommendations that specifically said "the project should transition from higher scale to less intensive areas by gradually stepping height down"; that was separate.

Mr. Scott Drummond and he lived in the Freight House flats which was the small building directly south of the proposed site; he lived on the 2nd floor of a small 4-story building; he faced the north and had a great view of the Kaufman Center and downtown and when he bought it, and the lot there was for people who walked their dog and had that kind of community feel; and on First Fridays the food trucks would come; he was well aware that couldn't go on forever and someone would develop on the site; and actually glad they were; but his concern was building height and scale. Right now he had this nice property and he would be facing the backend of the building and would look at brick wall instead of a nice view of downtown. It was also lacking green space in the area; the walkway from the Freight House building over to the Union Station if the building went up you won't be able to see the Kaufman Center from that bridge over the trains.

He would also request a continuance for further discussion.

Mr. Dan Askew, he seconded everything that Mr. Drummond said but would like to driving south on Broadway, you could see Union Station especially at night and it was lit up in red, looks good; the size of building, twice the size of the recommended height, was going to block that view of Union Station which was an historic landmark like the Liberty Memorial; everything should be considered; the neighborhood character was a major part of why they lived there; he had lived in the area for 13-years, and owned his place for 10-years, he also had a business there; he didn't feel like this huge tower deserved the view that they had enjoyed and there had been basically no consideration for the residents; they were left out.

Mr. Bennett stated he appreciated all the differing opinions and everybody would have their own take; they had been invested in Kansas City for 93-years; they had been able to work with staff, with Council, adhering guidelines, the review, the Corridors so they felt very comfortable with the plan they felt it did fit in and they were as interested in the success of the project as anybody. He would say that they all appreciated The Crossroads as being lower-scaled buildings but when you think about where new high density, taller buildings might go; you really have a hole in the middle with the Stuart Hall Lofts which included the smokestacks but you would find it was significantly taller than the structure.

Commissioner Archie asked 3 questions; one, how did the discussion about moving from the old plan to the new plan involve the community; secondly, did he think it was too drastic of an upgrade because the plan talked about gradual; and he wanted to know what went into seeing it as a better option, absent the economic value, where there kinds of discussions that would say that in that area it was really needed.

Mr. Bennett stated the old plan that they originally invested was as described; that project did not go well within the community at all; the project that they had was the one that had to fit, the whole process, the public process the awareness of the project had been awareness.

Commissioner Archie said it sounded like bait-and-switch if he listened to the testimony; but they he was saying that discussions and neighborhood meetings took place and received good feedback.

Mr. Bennett answered yes.

Commissioner Archie asked about the drastic transition from what was around it; was it a good fit.

Mr. Bennett for them it was a good fit for the reasons described before; either with the images or not.

Chairwoman Macy stated that the Greater Downtown Area Plan was the whole plan they were not just talking about the Freight House District.

Mr. Bennett stated there were different ways to look at mass and scope; as a number of units; but it was a narrower building and there was also parking underneath the building so it was raised up above the occupied floors of those buildings. The view corridors seemed important, but they had met all the tests that they needed to meet.

DISCUSSION:

Commissioner Baker-Hughes stated she appreciated that the millenniums were coming; she also thought that more discussions were needed with those that were already there.

Commissioner Archie stated it sounded like people were not saying they didn't want it; they were saying they were concerned and would like to feel more comfortable and so their requests were for continuance rather than a denial.

Chairwoman Macy stated she was comfortable that they spent enough time in the community talking about it.

Commissioner May stated she was comfortable with the explanation that had been given.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 14535-UR SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled, and folded (to 8.5 by 11 in. size) hardcopies and one (1) digital copy (CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the plans, **revised as noted below**, be submitted to Development Management staff (15th Floor, City Hall), **prior to ordinance request (City Council)** showing:
 - a. A list of proposed uses, as stated and defined by the zoning and development code, consistent with those permitted in Districts DX and DR and recommended by the Greater

Downtown Area Plan.

- b. That the parking required and provided be updated to reflect the revised list of proposed uses in compliance with 88-420.
- c. The revised proposed maximum building height and revised height study demonstrating that the proposed maximum height will not encroach upon the protected view corridor established by the Greater Downtown Area Plan.
- d. That the floor area ratio figures be revised to exclude the floor area of the parking garage as required by 88-820-07-B.

The following plan correction condition is recommended by the Long Range Planning Division of City Planning and Development. Please contact Gerald Williams at 513-2897 or gerald.williams@kcmo.org.

- e. That the applicable Greater Downtown Area Plan development guidelines be placed on the face of this plan.
2. The developer is responsible for payment of money in lieu of parkland dedication in the amount of \$23,535.84. This amount is based upon the following formula: (number of residential units (116) X 2 persons per unit X 0.006 acres = required dedication in acres (1.39) X \$16,907.03 per acre = \$23,535.84). This amount is subject to change based upon the actual number of residential units constructed.
3. The developer submit to Development Management staff, for review and approval prior to building permit, a final plan in substantial compliance with the preliminary plan and including the following: a fully-labeled and dimensioned site plan; a fully-labeled and dimensioned streetscape plan showing landscaping (including species, common name and size at time of planting), overhead and underground utilities and vaults, lighting and other existing or proposed features located within the right-of-way; color building elevations with all materials labeled; floor plans; and view corridor height study.

The remaining conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or brett.cox@kcmo.org.

4. That the developer shall submit to the Land Development Division, 5th Floor of City Hall, a Storm Drainage Report from a Missouri-licensed civil engineer evaluating proposed improvements and impact to drainage conditions. There shall not be an increase to historical runoff conditions from the site and since this project is within a "Combined Sewer Overflow" (CSO) district, the expectation is to retain rainfall up to 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and provide a safe overflow path for the 100 year storm, in order to provide protection that the rainfall retention approach does not provide. Drainage study should verify if any modifications to public sewer structures are required and that downstream conditions will not be impacted negatively as a result of engineering impact. The study shall be submitted prior to approval and issuance of any building permits and prior to recording the plat. The developer shall provide for construction of improvements as required by City Planning & Development.

5. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
6. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
7. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
8. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
9. The developer must submit a streetscape plan for approval and permitting by the Land Development Division prior to beginning construction of the streetscape improvements in the public right of way, and construct ADA compliant ramps at all required locations where new private drives are being added, or where existing sidewalks are modified or repaired.
10. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

RE: Case No. 8897-P-4

APPELLANT: Bill Nigro
4021B Pennsylvania
Kansas City, MO 64111

PROPERTY OWNER: Doug Weltner
Westport Nall Investors, LP
4520 Main St, Suite 1000
Kansas City, MO 64111

LOCATION: Southeast corner of Westport Road and Mill Street (501 Westport Road)

REQUEST: An appeal of the city planning and development director's decision on a site plan application, per jurisdiction of the Zoning & Development Code, Section 88-530-10-A

Commissioner Archie moved to hold a closed session to discuss legal matters and legal advice pursuant to Section 610.021 (1), RSMO and Commissioner May seconded the motion.

Roll Call: May, Aye; Gutierrez, Aye; Macy, Aye; Archie, Aye; Baker-Hughes, Aye; Martin, Aye; and Crawl, Aye.

Closed Session: 12 Noon

Commissioner Archie moved and Commissioner May seconded the motion to come out of closed session.

Motion carried 7-0.

VOTING AYE: Archie, Baker-Hughes, Crawl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: None

Ms. Amelia Carson, attorney at 4004 Washington; representing Buzzard Beach and they were asking for a continuance which she thought it would be appropriate to say that now; this was the first time she had seen this; it had been on file for about 30-days there were some issues about the alley way and they believed they needed a traffic study which she didn't think had been done so they were asking for a continuance to have some time to put together their defense and take a look at that alley.

Ms. Binckley stated that staff was not supportive of a continuance from their position; they were ready to move forward.

Ms. Carson stated that Mr. Nygro would probably want to ask for a continuance as well; like he said this had only been on file a little less than 30-days; that was the first time it had been put before them and they understood that construction would continue; but it seemed like there hadn't been enough investigation regarding the alleyway.

Chairwoman Macy stated since that was the first time they had heard it probably a little discussion; somebody submitted an appeal on a building permit and as an appeal to that building permit. They were there to testify on the appeal and she thought that was why they were there; she was not sure they could continue something.

Commissioner May stated that was what she was saying; the appellant was Bill Nygro and she didn't understand the request for continuation by someone else.

Ms. Binckley stated she thought they were saying that the City hadn't evaluated everything that they needed to evaluate to make a determination to issue the building permit to start with; that was the appeal. They were not stating they believed there should be a traffic study and they would like to conduct a traffic study. The City did not believe they needed a traffic study; they had traffic engineers on staff that had evaluated the project and they believed they had issued the permit and they were accurate in the issuance of the permit.

Commissioner Archie stated he didn't want to get into the merits of the case; if there was a reason for an appeal then the reason for the appeal should not be things involved in the merit of the case. He would be interested in getting the other side's opinion just about the appeal if that was appropriate.

Chairwoman Macy stated she didn't think it was; Mr. Nygro had appealed the building permit so he was there;

Commissioner Archie corrected himself; not the appeal but the continuance.

Ms. Binckley stated the City was the other half of the appeal and they did not support the continuance.

Chairwoman Macy stated the two parties were there and they were there to hear the case.

Commissioner Archie stated and Mr. Nygro was stating he didn't want a continuance.

Commissioner May stated in her opinion they were there to hear the appeal; after hearing the appeal should they think it should be continued then she thought that was a separate issue; and they had people there to testify.

Commissioner Martin stated that it was her understanding it all had to do with issuing the building permit; so traffic, etc. was a part of the site.

Commissioner Archie stated but he didn't think it inappropriate to hear from the person who filed the appeal as to what their opinion was about the continuance.

Ms. Maggie Moran stated she thought they should hear from Mr. Nygro and also the property owner who was issued the building permit.

Chairwoman Macy asked to hear from the applicant.

Mr. Bill Nygro, property owner adjacent to the new construction that was going in; he also owned the building that was the Buzzard Beach and he asked Ms. Carson to come there and represent himself and the Buzzard Beach. He only had a chance to look at those drawings for a week; one of the first things that he noticed was the parking lot.

Commissioner Archie stated what he really wanted to know was if he was for or against a continuance that was what they would be making a decision on.

Mr. Bill Nygro stated he would want a continuance; he would like to bring in some highly qualified people from Jackson County and the Kansas City Police Department to express their concern over the way....

Commissioner Archie stated they did not want to get into the merits of the case; did he or did he not agree with a continuance.

Mr. Bill Nygro stated he wanted a continuance.

Ms. Roxene Koch, representing the property owner; they objected to the continuance; he was issued a building permit, the applicant there was ready to discuss the merits of the appeal and the merits of the issuance of the building permit; any continuance of the issuance of the building permit would create harm to the property owner; they were ready to proceed with construction; any continuance would have a detrimental impact on the property owner.

Ms. Diane Binckley presented the staff report and stated that staff recommended the Commission uphold that the Director's properly applied the approval criteria in Section 88-530-09 of the Code when the site plan was approved and the building permit issued for reasons presented in the staff report.

Chairwoman Macy asked when the property owner applied for the permit.

Ms. Binckley stated it was December 2014.

Chairwoman Macy asked if that was when the City granted it.

Ms. Binckley answered the permit was issued on February 6th.

Chairwoman Macy asked if the City notified the abutting property owners or not.

Ms. Binckley answered they do not.

Commissioner Archie asked if the property in question was on the Historic Registry.

Ms. Binckley answered no.

Chairwoman Macy asked to hear from the applicant.

Mr. Bill Nygro stated he wanted to refer to the drawing as he talked; on the lower level there were 3 levels of parking lots; there are a total of 4 businesses in the alley that open at 4 p.m. and he pointed them out on the power point; over the course of any given weekend night there was approximately 1,000 people inside those bars from 9 p.m. until 2:30 a.m. over the course of the night; the alley was only 15 feet wide and Westport had been closing that alley off at nights with bicycle racks for years. They learned a long time ago from accidents where cars were coming down that alley had hit customers coming out of the businesses; so they had been blocking that alley off since the early 90s and even before that when he opened Tori's Pizza in 1988 with a drive through window. His tenant which was The Buzzard, after he opened Tori's, requested he close it because it created too many hazards for their customers coming down to see them. When you stepped down off the steps of The Buzzard you would be at least 3 or 4 feet into the alley; under the proposal the parking lot could only enter from (pointing to it); it was a one way alley going down the hill and if cars were funneled through there someone would be killed. Everyone had to understand that down in Westport everybody down there at night was consuming alcohol and they had already had some accidents in that alley; on the plan someone was going to get seriously hurt or killed; that was why he asked for the continuance; he couldn't get the mayor from the KCPD down today, and he was very much against that design; he had worked in Westport off-duty in the early 90s; putting any kind of traffic in the alley was dangerous. Another problem was that all delivery trucks pulled up and down the alley and parked all day long so they could load and unload to all the bars that were right there; not just for liquor but also for food. He also wanted to point out there was no sidewalk, the majority of people that parked in there in the day time all would walk out that narrow exit there; he thought the whole plan was bad.

Chairwoman Macy opened up the discussion to the audience.

Mr. Fajed Asrya, owner of Jerusalem Café, 431 Westport Rd; Jerusalem Café opened in January 1990; when he leased his property it was assigned parking spaces in the same parking lot they were talking about. Mr. Woltner when he bought it bought with the parking lot; now he didn't have the parking spaces and his business was suffering because right now the parking lot was fenced and his business had dropped 50%. In 1995, Mr. Woltner made changes to the zoning and he refused the parking spaces because he wanted to put a Starbucks; his question was where his parking spaces; between Mr. Woltner and the new owner his parking spaces were gone. Most of his customers were 50 years old or older; they could not walk a long way to come to his restaurant that was why business had dropped; hopefully they could get the parking spaces back and not do the construction as planned.

Ms. Sarah (inaudible), owner of the Broadway Café, 4106 Broadway; concerned about the parking spaces and wanted to know where her parking spaces went; she knew the buildings retained the ownership of the parking lot, she didn't think they could look at the parking lot as it existed in a vacuum and he had ample parking for what he wanted to do without considering the spaces at one time that were promised from Mr. Woltner to the City to belong to the businesses that still operated in Westport Square. She spoke to Diane and asked if Mr. Woltner still owned the buildings and the parking lot and she didn't get a response they didn't talk after that. She

thought he created his own loophole by selling the buildings and retained the parking and now to build on the parking lot. She also had the safety concerns.

Mr. Brook Lamby, he bought properties from Mr. Woltner; he was going to buy the properties but his price was rejected; he was assured by Mr. Woltner based upon the leases parking was not substantial for anything and the leases reflected that; he trusted him much to his regret. He found out just last week about the building permit; he also had a concern was the safety issue.

Commissioner Archie stated he appreciated the insight given, but he wanted to say that their purpose was to look at whether or not the permits that were permitted followed the guidelines of the Code; that was what they were listening for the most.

Chairwoman Macy stated she did want testimony on everything; she encouraged the testimony.

Mr. Brad Clark, he was in support of Bill Nygro; one of their major concerns when people were coming out of there you couldn't see so it was a very big safety concern.

Mr. Travis Fields, with 3 businesses all in that alley; he rented from Bill Nygro; directly in front of Eat Eat Gourmet which was his restaurant, they were placing a dumpster and that was also an exit; he had a walkup window to his restaurant and any time after 4 p.m. he had people waiting in line at that window for food; placing the dumpster 15 feet from the window blocked the exit right there so people turning that corner would be right into the line of people waiting at the window.

Mr. Dennis Cook, Buzzard Beach, 4110 Pennsylvania Avenue; he agreed with Mr. Nygro with the concern of the safety issue with people entering that alley way; it was dangerous as it was now with the current walking traffic which was there all day and somebody's going to get hurt.

Mr. Sam Kirk, Co-owner of the Buzzard Beach in Westport; he thought it was every man's right to develop on his land, his concern though was people getting hurt.

Ms. Jessie Cook; a supporter of Westport and wanted to show on the record they had 4400 signatures on petition working in Westport, living there or go to Westport frequently; one main reason they signed the petition was the public safety aspect.

Ms. Lisa McCleaney, her family had owned a large portion of Westport; she was shocked that the City had actually studied it and felt it was safe and they had just heard of it about one week ago as property owners adjacent to this. It was a very important part of our city.

Ms. Roxene Koch responded for the property owner; it had already been discussed today that today's purpose was to determine whether or not City staff property issued the permit and in doing so reviewed all the items under the Code. They wanted to re-emphasize that; staff had stated on recorded that the review of the safety issues and when it boiled down to several business owners and property owners in the area ultimately that was a parking lot that many of them would like to see continue to be used as a parking lot. The alley in question was currently being used for traffic; vehicular traffic went up and down the alley all day long. When there was

heavy pedestrian traffic and in the evening, the alley was closed during those times; that had something that had been consistent to preserve the public safety for many years. They would anticipate that would continue; they wanted to make that clear.

But ultimately they recognized today whether or not staff has properly reviewed it and determined whether or not the building permit was properly issued. They believed it had.

Ms. Koch went over each Code requirement according to their plan to demonstrate that all requirements, i.e. traffic, parking were and/or had been met for the issuance of the permit.

Commissioner Lucas asked what happened to the existing companies if they were losing parking besides losing customers; would that be in compliance with the City.

Ms. Binckley answered that the City did not proactively go after those to bring it into compliance; there was a large parking structure to the north of Westport Rd. that a lot of people used and a lot of on street parking they relied on and people kept driving around until they found a parking space; but they wouldn't proactively go after them; if new businesses came through they may have to identify parking spaces that they provided for; or secondly they would have to seek a variance.

Commissioner Archie asked if during the assessment staff had a concern about safety; like coming out the front door into the alley and the alley had, even its current traffic flow, what was a reasonable buffer the staff would consider between the numbers of steps you could take before being in traffic.

Ms. Binckley stated there were many situations where you stepped out on sidewalks and it was right on the property line; there was not a set standard that said there must be "x" amount of clearance other than for handicapped accessibility. Those buildings were so old that wasn't even a thought back when that was developed so they weren't developed to those standards today.

Commissioner Archie stated looking at the criteria of the Code.

Ms. Binckley stated that what they issued a building permit on were the properties that Mr. Weldner owned; and what was reviewed was those structures to the standards today; with a building permit you did not go out and evaluate all the properties surrounding it so see whether or not they were in compliance or whether or not they had an issue.

Commissioner May stated that Mr. Weldner only needed 17 spaces but he had 35; would he be willing to discuss leasing some of that space to the other business; secondly, if those business owners who had given testimony, if they were new businesses would they be able to get a license without having the parking.

Ms. Binckley stated they could either identify parking spaces that were available and obtain a lease from them and get an administrative approval through an application or they could seek a variance.

Commissioner Archie stated they had heard a lot about parking; but the question that fits within their purview was whether or not staff when they assessed it found;

Commissioner May stated she was saying that staff should have asked it; they had heard so much testimony that she would like to know the answer to; and if they had heard the testimony and she had a question she didn't know why she couldn't ask it.

Commissioner Archie stated the general concern for him was that as a Commission their decision was going to be based on the information that they got; and it sounded like she would want to ask him if he would be willing to negotiate an opportunity for them to have parking in his space.

Commissioner May stated she wasn't going to make a judgment one or the other she just wanted to know; since there had been so many questions about parking. She thought if she was a business owner and again with the testimony they had a legitimate question.

Chairwoman Macy stated that she sure could ask her question; but from the Code that was pertinent, parking was not part of it.

Commissioner Crowl stated he understand what she was asking; in his opinion when the project was put together they should have done a little more due diligence with their neighbors; it seemed like what they were looking at in the particular case was whether or not a permit was issued properly according to the City code.

Commissioner May stated she didn't disagree with that point; her curiosity was raised.

Commissioner Martin had a question about the handout provided by one testimony; a lot of those businesses were given building permits by the City; said 1992 to 2004 with the knowledge that the parking requirement was being provided by the property owner.

Commissioner Archie asked if there were any legal pending lease agreements that made dual use of the parking.

Commissioner Martin stated that was her question; was there a legal constraint; the owner had an agreement with the property owner in their leases so now the property owner wanted to build out his property and not provide those leases any more.

Ms. Binckley stated when Mr. Weltner sold the buildings he couldn't come to an agreement with the buyer so Mr. Weltner retained the parking lot; the person who bought that needed to figure out where the parking was; so it was more of a private civil issue between the two. They weren't notified of the sale and typically weren't notified. Typically, when a new tenant would come in and if a building permit would require the parking they would ask the question of where was their parking.

DISCUSSION:

Chairwoman Macy stated that based on the Code; first of all, she would like to say she thought this was a perfect example for an appeal. Regarding the Code (d) "...providing safe, efficient.." she wanted her fellow Commissioners to look at those pictures provided; the alley way was not the typical alley way that they usually saw; the alley was different in that the fronts of those businesses were right on the narrow alley so it required them to take a little bit different look when looking at the safety of pedestrians in the area. She felt like in the request for the permit that the safety of pedestrians relating to the traffic on that alley was unsatisfactory in her opinion. She didn't feel like trash enclosures should abut across the door from somebody's business right there, she didn't feel like that was a good use; the vehicular access being right there wasn't a good use; she would rather see the property owner create the way their traffic flowed inside there not using the alley as their vehicular access. In her opinion "d" was unsatisfactory.

Commissioner Martin stated she didn't think that "c" was met as well; vehicular egress and ingress; safe, sufficient movement of traffic.

Commissioner Archie stated when he looked at the pictures, it would give him the impression to agree with the Chair; he would disagree the fact that it couldn't be designed to be safe for pedestrians after staff looked at it and figured it and agreed it would satisfy vehicular, ingress and egress and also it would satisfy "d" if you could use 4 or 5 feet of that to put a barrier there to be a clearer walkway; and he thought staff had done their due diligence.

Commissioner May in hearing such a wide variance in views and it seemed there had not been communication between those who testified in opposition and the developer, she was always of the mind there needed to be some opportunity for them to communicate and see if there could be something worked out that could be a win-win for all concerned. She would like to see them come back and see if they couldn't work out something.

Commissioner Gutierrez stated he knew about the existing businesses there now and would like to see new businesses develop; but he had been down that alley way numerous times, it was closed off at nights and the safety would be his biggest concern for his customers and patrons; like his colleagues if someone could come up with some type of wall and still enough room for cars to exist those parking lots with enough leeway; he would support it; but he couldn't support it right now.

Commissioner Crowl stated he was of a different opinion than the rest of the Commission; his stand point was that the owner of the lot came in seeking a building permit for his site only; because of that each one of the conditions do apply; there was ingress and egress on Westport Rd. and also to the alley way; was that the most safest thing, maybe not given the character of the neighborhood; but that particular site there was adequate egress and ingress to the site. He was just looking at that site only which that was the permit issued to only.

Commissioner May moved and Commissioner Martin seconded the motion to continue this matter to the March 17, 2015 meeting date.

DISCUSSION:

Commissioner Archie stated the other question is if they were going to uphold staff's decision if they had a continuance what information would drive that; obviously staff felt like they made the right decision based on standards.

Commissioner May stated that her wanting a continuance didn't take anything away from the decisions staff made; she believed considering what the developer gave to them and they made a good decision; she thought it was afterward with the additional comments they had heard maybe perhaps they could get together. It may be nothing can be worked out; but she would personally feel better if there was an effort toward that; especially considering the safety issues.

Chairwoman Macy stated she felt it was different because it was a request for an appeal; she was feeling that they were being asked today if the building permit met those things; if they continued it they were getting more stuff involved than what they were looking at; and if you wanted to hear from the police department or whatever she could wait; it was an appeal that was be asked for them to rule on; a little different than hearing a case and continuing a case.

Commissioner Archie stated there was only one thing to consider; to uphold the decision or don't uphold. What could happen if they came back; what would be different? It would either be if staff made a right decision or they didn't make a right decision.

Commissioner Gutierrez stated he definitely backed up the staff stating they did make the right decision; was there a way they could ask developer to talk to the property owners.

Ms. Binckley stated they could direct staff to do that; maybe they could be the center point in working with those groups to talk about those issues.

Motion failed 3-3.

VOTING AYE:	May, Gutierrez, Archie
VOTING NAY:	Martin, Crowl, Macy
ABSENT:	Baker-Hughes

Commissioner May moved to continue this matter for 1st week in April; there was no seconded on this motion.

DISCUSSION:

Motion Failed.

Commissioner Archie moved and Commissioner Crowl seconded the motion to UPHOLD the decision that City staff did not err in issuing the building permit.

DISCUSSION:

Motion failed 3-3.

VOTING AYE: Gutierrez, Archie and Cowl
VOTING NAY: May, Macy and Martin
ABSENT: Baker-Hughes

DISCUSSION:

Commissioner May moved and Commissioner Martin seconded the motion to continue this case to the April 7, 2015 meeting date without fee (**With Testimony – Quorum Set: May, Gutierrez, Macy, Archie, Martin, and Cowl**).

Motion carried 4-2.

VOTING AYE: May, Gutierrez, Martin, and Macy
VOTING NAY: Archie, Cowl
ABSENT: Baker-Hughes

OTHER MATTERS:

Election of Vice-Chair: Commissioner Gutierrez moved and Commissioner May seconded the motion to elect Commissioner Archie as Vice-Chair.

Motion carried 6-0.

VOTING AYE: Archie, Cowl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: Baker-Hughes

Nomination to the Overlay Design Review Board: Nominations were made for Commissioner Baker-Hughes and for Commissioner Martin. The consensus of the Commissioners was to submit both names to the Mayor for appointment.

Approval of minutes from the January 20, 2015 meeting and the February 3, 2015 meeting date; Vice Chair Archie moved and Commissioner Martin seconded the motion to approve the minutes from these meetings.

Motion carried 6-0.

VOTING AYE: Archie, Cowl, Gutierrez, Martin, May, and Macy
VOTING NAY: None
ABSENT: Baker-Hughes

There being no further business, Chairwoman Macy adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Diane M. Binckley, AICP
Assistant Secretary

APPROVED:

Babette Macy, Chairwoman